

The record does establish that a written claim for compensation, on a Missouri form, was served upon the respondent no later than July 28, 1994. The record does not reflect

an employer's report of accident was filed with the Director and, therefore, claimant would have a year following the date of accident or the last medical treatment within which to file a written claim for compensation. The Administrative Law Judge relied upon this Order to find that written claim was filed timely. The Order implies that medical treatment provided claimant from May 23, 1993 through August 1993 was authorized medical treatment which extended the time for filing a written claim. However, a review of the record convinces the Appeals Board that after his emergency room visit claimant knew additional medical treatment was to be on his own, with his own health insurance carrier, not an authorized workers compensation benefit. Procurement of treatment on his own is not equivalent to payment of compensation and does not extend the time for filing written claim. Solorio v. Wilson Co., 161 Kan. 518, 169 P.2d 822 (1946).

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Preliminary Order of Administrative Law Judge Alvin E. Witwer dated July 10, 1995 should be, and is hereby, reversed.

IT IS SO ORDERED.

Dated this ____ day of September, 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: James E. Martin, Overland Park, Kansas
J. Donald Lysaught, Jr., Kansas City, Kansas
Alvin E. Witwer, Administrative Law Judge
Philip S. Harness, Director